

REMARKS/ARGUMENTS

I. Status of the Claims

Prior to entry of this amendment, Claims 1, 6, 8, 10-24, 26, 27, 30, 33-38, and 40-43 were pending. Claims 16-23 are withdrawn. In the instant amendment, claims 1, 30 and 37 are canceled. Claim 43 has been amended as suggested by the Examiner to incorporate the limitations of formerly pending independent Claim 1. Claims 6, 10, 11, 14, 24, and 38 have been amended to change their dependency from formerly pending Claim 1 to Claim 43. No New Matter is introduced by this amendment. Applicants request entry of this amendment. The amendments serve to place the claims in form for allowance or better condition for appeal.

II. Response to Claim Rejections/Objections

Claim Objections

Applicants appreciate the Examiner's withdrawal of the objection of Claims 6,8 and 40-

Rejection under 35 U.S.C. 112, Second Paragraph

Claim 37 is rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Without necessarily agreeing with the propriety of the rejection, Applicants have canceled claim 37. As such, the rejection is moot.

Rejection under 35 U.S.C. 112, First Paragraph

Claims 1, 6, 8, 10-15, 24, 26-27, 30 and 33-42 are rejected as allegedly lacking written description under 35 U.S.C. 112, first paragraph. Again, without necessarily agreeing with the propriety of the rejection, Applicants submit that the rejection is moot in view of the claim amendments. All claims now depend directly or indirectly from Claim 43. As such, Applicants respectfully request the Examiner to withdraw the rejection.

Rejection under 35 U.S.C. 103(a)

Claims 1, 6, 8, 10-15, 24, 26-27, 30, 33-36 and 38-39 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. (WO 99/66951) in view of Chmura et al. (PNAS 2001; **98**: 8480-8484). Again, without necessarily agreeing with the propriety of the rejection, Applicants submit that the rejection is moot in view of the claim amendments. All claims now depend directly or indirectly from Claim 43. As such, Applicants respectfully request the Examiner to withdraw the rejection.

Allowable subject matter

The Examiner indicated that claim 43 was objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Applicants have amended Claim 43 as suggested by the Examiner. In addition, all claims now depend directly or indirectly from Claim 43. As such, Applicants submit that the claims are in form for allowance.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David C. Foster".

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